

## Fishery Conservation and Management

## § 697.23

possessed by a person or vessel permitted to fish only in EEZ Offshore Management Area 3 or only in EEZ Offshore Management Area 3 and the Area 2/3 Overlap, shall not exceed 33,110 cubic inches (542,573 cubic centimeters) in volume as measured on the outside portion of the trap, exclusive of the runners;

(ii) Beginning May 1, 2003, American lobster traps deployed or possessed in the EEZ, or, deployed or possessed by a person on or from a vessel issued a Federal limited access American lobster permit as specified under § 697.4, if deployed or possessed by a person or vessel permitted to fish only in EEZ Offshore Management Area 3 or only in EEZ Offshore Management Area 3 and the Area 2/3 Overlap, shall not exceed 30,100 cubic inches (493,249 cubic centimeters) in volume as measured on the outside portion of the trap, exclusive of the runners.

(f) *Enforcement action.* Unidentified, unmarked, unvented, improperly vented American lobster traps, or, beginning May 1, 2000, any untagged American lobster traps, or any lobster traps subject to the requirements and specifications of § 697.21, which fail to meet such requirements and specifications may be seized and disposed of in accordance with the provisions of 15 CFR part 904.

(g) *Exemption.* Any vessel issued an Area 5 Trap Waiver permit under § 697.4(p) is exempt from the provisions of this section.

[64 FR 68248, Dec. 6, 1999, as amended at 66 FR 14502, Mar. 13, 2001; 71 FR 13039, Mar. 14, 2006; 72 FR 56942, Oct. 5, 2007]

### § 697.22 Exempted fishing.

The Regional Administrator or Director may exempt any person or vessel from the requirements of this part for the conduct of exempted fishing beneficial to the management of the American lobster, weakfish, Atlantic red drum, Atlantic striped bass, Atlantic sturgeon, or horseshoe crab resource or fishery, pursuant to the provisions of § 600.745 of this chapter.

(a) The Regional Administrator or Director may not grant such exemption unless it is determined that the purpose, design, and administration of the exemption is consistent with the

objectives of any applicable stock rebuilding program, the provisions of the Atlantic Coastal Act, the Magnuson-Stevens Act, and other applicable law, and that granting the exemption will not:

(1) Have a detrimental effect on the American lobster, weakfish, Atlantic red drum, Atlantic striped bass, Atlantic sturgeon, or horseshoe crab resource or fishery; or

(2) Create significant enforcement problems.

(b) Each vessel participating in any exempted fishing activity is subject to all provisions of this part, except those explicitly relating to the purpose and nature of the exemption. The exemption will be specified in a letter issued by the Regional Administrator or Director to each vessel participating in the exempted activity. This letter must be carried aboard the vessel seeking the benefit of such exemption. Exempted fishing activity shall be authorized pursuant to and consistent with § 600.745 of this chapter.

(c) The Regional Administrator, or the Director, as appropriate, may authorize a substitute vessel to haul ashore the lobster trap gear of an inoperable or mechanically-impaired federally permitted lobster vessel without having to engage in the exempted fishing process as specified in this section.

[68 FR 56791, Oct. 2, 2003, as amended at 71 FR 13039, Mar. 14, 2006; 73 FR 58061, Oct. 6, 2008]

### § 697.23 Restricted gear areas.

(a) Resolution of lobster gear conflicts with fisheries managed under the Magnuson-Stevens Act shall be done under provisions of § 648.55 of this chapter.

(b) *Restricted Gear Area I*—(1) *Duration*—(i) *Mobile Gear.* From October 1 through June 15 of each fishing year, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be, in Restricted Gear Area I, as defined in paragraph (b)(2) of this section, unless transiting only, provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster trap gear.* From June 16 through September 30 of each fishing year, no fishing vessel with lobster trap gear or person on a fishing vessel with lobster trap gear may fish, and no

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lobster trap gear may be deployed or remain, in Restricted Gear Area I as defined in paragraph (b)(2) of this section.

(2) *Definition of Restricted Gear Area I.* Restricted Gear Area I is defined by straight lines connecting the following points in the order stated:

INSHORE BOUNDARY

Point to	Latitude	Longitude
120 .....	40°06.4' N.	68°35.8' W.
69 .....	40°07.9' N.	68°36.0' W.
70 .....	40°07.2' N.	68°38.4' W.
71 .....	40°06.9' N.	68°46.5' W.
72 .....	40°08.7' N.	68°49.6' W.
73 .....	40°08.1' N.	68°51.0' W.
74 .....	40°05.7' N.	68°52.4' W.
75 .....	40°03.6' N.	68°57.2' W.
76 .....	40°03.65' N.	69°00.0' W.
77 .....	40°04.35' N.	69°00.5' W.
78 .....	40°05.2' N.	69°00.5' W.
79 .....	40°05.3' N.	69°01.1' W.
80 .....	40°08.9' N.	69°01.75' W.
81 .....	40°11.0' N.	69°03.8' W.
82 .....	40°11.6' N.	69°05.4' W.
83 .....	40°10.25' N.	69°04.4' W.
84 .....	40°09.75' N.	69°04.15' W.
85 .....	40°08.45' N.	69°03.6' W.
86 .....	40°05.65' N.	69°03.55' W.
87 .....	40°04.1' N.	69°03.9' W.
88 .....	40°02.65' N.	69°05.6' W.
89 .....	40°02.00' N.	69°08.35' W.
90 .....	40°02.65' N.	69°11.15' W.
91 .....	40°00.05' N.	69°14.6' W.
92 .....	39°57.8' N.	69°20.35' W.
93 .....	39°56.65' N.	69°24.4' W.
94 .....	39°56.1' N.	69°26.35' W.
95 .....	39°56.55' N.	69°34.1' W.
96 .....	39°57.85' N.	69°35.5' W.
97 .....	40°00.65' N.	69°36.5' W.
98 .....	40°00.9' N.	69°37.3' W.
99 .....	39°59.15' N.	69°37.3' W.
100 .....	39°58.8' N.	69°38.45' W.
102 .....	39°56.2' N.	69°40.2' W.
103 .....	39°55.75' N.	69°41.4' W.
104 .....	39°56.7' N.	69°53.6' W.
105 .....	39°57.55' N.	69°54.05' W.
106 .....	39°57.4' N.	69°55.9' W.
107 .....	39°56.9' N.	69°57.45' W.
108 .....	39°58.25' N.	70°03.0' W.
110 .....	39°59.2' N.	70°04.9' W.
111 .....	40°00.7' N.	70°08.7' W.
112 .....	40°03.75' N.	70°10.15' W.
115 .....	40°05.2' N.	70°10.9' W.
116 .....	40°02.45' N.	70°14.1' W.
119 .....	40°02.75' N.	70°16.1' W.
to 181 .....	39°59.3' N.	70°14.0' W.

OFFSHORE BOUNDARY

Point to	Latitude	Longitude
69 .....	40°07.9' N.	68°36.0' W.
120 .....	40°06.4' N.	68°35.8' W.
121 .....	40°05.25' N.	68°39.3' W.
122 .....	40°05.4' N.	68°44.5' W.
123 .....	40°06.0' N.	68°46.5' W.
124 .....	40°07.4' N.	68°49.6' W.
125 .....	40°05.55' N.	68°49.8' W.
126 .....	40°03.9' N.	68°51.7' W.

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Point to	Latitude	Longitude
127 .....	40°02.25' N.	68°55.4' W.
128 .....	40°02.6' N.	69°00.0' W.
129 .....	40°02.75' N.	69°00.75' W.
130 .....	40°04.2' N.	69°01.75' W.
131 .....	40°06.15' N.	69°01.95' W.
132 .....	40°07.25' N.	69°02.0' W.
133 .....	40°08.5' N.	69°02.25' W.
134 .....	40°09.2' N.	69°02.95' W.
135 .....	40°09.75' N.	69°03.3' W.
136 .....	40°09.55' N.	69°03.85' W.
137 .....	40°08.4' N.	69°03.4' W.
138 .....	40°07.2' N.	69°03.3' W.
139 .....	40°06.0' N.	69°03.1' W.
140 .....	40°05.4' N.	69°03.05' W.
141 .....	40°04.8' N.	69°03.05' W.
142 .....	40°03.55' N.	69°03.55' W.
143 .....	40°01.9' N.	69°03.95' W.
144 .....	40°01.0' N.	69°04.4' W.
146 .....	39°59.9' N.	69°06.25' W.
147 .....	40°00.6' N.	69°10.05' W.
148 .....	39°59.25' N.	69°11.15' W.
149 .....	39°57.45' N.	69°16.05' W.
150 .....	39°56.1' N.	69°20.1' W.
151 .....	39°54.6' N.	69°25.65' W.
152 .....	39°54.65' N.	69°26.9' W.
153 .....	39°54.8' N.	69°30.95' W.
154 .....	39°54.35' N.	69°33.4' W.
155 .....	39°55.0' N.	69°34.9' W.
156 .....	39°56.55' N.	69°36.0' W.
157 .....	39°57.95' N.	69°36.45' W.
158 .....	39°58.75' N.	69°36.3' W.
159 .....	39°58.8' N.	69°36.95' W.
160 .....	39°57.95' N.	69°38.1' W.
161 .....	39°54.5' N.	69°38.25' W.
162 .....	39°53.6' N.	69°46.5' W.
163 .....	39°54.7' N.	69°50.0' W.
164 .....	39°55.25' N.	69°51.4' W.
165 .....	39°55.2' N.	69°53.1' W.
166 .....	39°54.85' N.	69°53.9' W.
167 .....	39°55.7' N.	69°54.9' W.
168 .....	39°56.15' N.	69°55.35' W.
169 .....	39°56.05' N.	69°56.25' W.
170 .....	39°55.3' N.	69°57.1' W.
171 .....	39°54.8' N.	69°58.6' W.
172 .....	39°56.05' N.	70°00.65' W.
173 .....	39°55.3' N.	70°02.95' W.
174 .....	39°56.9' N.	70°11.3' W.
175 .....	39°58.9' N.	70°11.5' W.
176 .....	39°59.6' N.	70°11.1' W.
177 .....	40°01.35' N.	70°11.2' W.
178 .....	40°02.6' N.	70°12.0' W.
179 .....	40°00.4' N.	70°12.3' W.
180 .....	39°59.7' N.	70°13.05' W.
181 .....	39°59.3' N.	70°14.0' W.
119 .....	40°02.75' N.	70°16.1' W.

(c) *Restricted Gear Area II*—(1) *Duration*—(i) *Mobile Gear*. From November 27 through June 15 of each fishing year, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be, in Restricted Gear Area II (as defined in paragraph (c)(2) of this section) unless transiting only, provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster trap gear*. From June 16 through November 26 of each fishing

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year, no fishing vessel with lobster trap gear or person on a fishing vessel with lobster trap gear may fish, and no lobster trap gear may be deployed or remain, in Restricted Gear Area II as defined in paragraph (c)(2) of this section.

(2) *Definition of Restricted Gear Area II.* Restricted Gear Area II is defined by straight lines connecting the following points in the order stated:

### INSHORE BOUNDARY

Point to	Latitude	Longitude
1 .....	39°59.3' N.	70°14.0' W.
49 .....	40°02.75' N.	70°16.1' W.
50 .....	40°00.7' N.	70°18.6' W.
51 .....	39°59.8' N.	70°21.75' W.
52 .....	39°59.75' N.	70°25.5' W.
53 .....	40°03.85' N.	70°28.75' W.
54 .....	40°00.55' N.	70°32.1' W.
55 .....	39°59.15' N.	70°34.45' W.
56 .....	39°58.9' N.	70°38.65' W.
57 .....	40°00.1' N.	70°45.1' W.
58 .....	40°00.5' N.	70°57.6' W.
59 .....	40°02.0' N.	71°01.3' W.
60 .....	39°59.3' N.	71°18.4' W.
61 .....	40°00.7' N.	71°19.8' W.
62 .....	39°57.5' N.	71°20.6' W.
63 .....	39°53.1' N.	71°36.1' W.
64 .....	39°52.6' N.	71°40.35' W.
65 .....	39°53.1' N.	71°42.7' W.
66 .....	39°46.95' N.	71°49.0' W.
67 .....	39°41.15' N.	71°57.1' W.
68 .....	39°35.45' N.	72°02.0' W.
69 .....	39°32.65' N.	72°06.1' W.
70 .....	39°29.75' N.	72°09.8' W.
to 48 .....	39°29.0' N.	72°09.25' W.

### OFFSHORE BOUNDARY

Point to	Latitude	Longitude
49 .....	40°02.75' N.	70°16.1' W.
1 .....	39°59.3' N.	70°14.0' W.
2 .....	39°58.85' N.	70°15.2' W.
3 .....	39°59.3' N.	70°18.4' W.
4 .....	39°58.1' N.	70°19.4' W.
5 .....	39°57.0' N.	70°19.85' W.
6 .....	39°57.55' N.	70°21.25' W.
7 .....	39°57.5' N.	70°22.8' W.
8 .....	39°57.1' N.	70°25.4' W.
9 .....	39°57.65' N.	70°27.05' W.
10 .....	39°58.58' N.	70°27.7' W.
11 .....	40°00.65' N.	70°28.8' W.
12 .....	40°02.2' N.	70°29.15' W.
13 .....	40°01.0' N.	70°30.2' W.
14 .....	39°58.58' N.	70°31.85' W.
15 .....	39°57.05' N.	70°34.35' W.
16 .....	39°56.42' N.	70°36.8' W.
21 .....	39°58.15' N.	70°48.0' W.
24 .....	39°58.3' N.	70°51.1' W.
25 .....	39°58.1' N.	70°52.25' W.
26 .....	39°58.05' N.	70°53.55' W.
27 .....	39°58.4' N.	70°59.6' W.
28 .....	39°59.8' N.	71°01.05' W.
29 .....	39°58.2' N.	71°05.85' W.
30 .....	39°57.45' N.	71°12.15' W.
31 .....	39°57.2' N.	71°15.0' W.
32 .....	39°56.3' N.	71°18.95' W.

### OFFSHORE BOUNDARY—Continued

Point to	Latitude	Longitude
33 .....	39°51.4' N.	71°36.1' W.
34 .....	39°51.75' N.	71°41.5' W.
35 .....	39°50.05' N.	71°42.5' W.
36 .....	39°50.0' N.	71°45.0' W.
37 .....	39°48.95' N.	71°46.05' W.
38 .....	39°46.6' N.	71°46.1' W.
39 .....	39°43.5' N.	71°49.4' W.
40 .....	39°41.3' N.	71°55.0' W.
41 .....	39°39.0' N.	71°55.6' W.
42 .....	39°36.72' N.	71°58.25' W.
43 .....	39°35.15' N.	71°58.55' W.
44 .....	39°34.5' N.	72°00.75' W.
45 .....	39°32.2' N.	72°02.25' W.
46 .....	39°32.15' N.	72°04.1' W.
47 .....	39°28.5' N.	72°06.5' W.
48 .....	39°29.0' N.	72°09.25' W.
to 70 .....	39°29.75' N.	72°09.8' W.

(d) *Restricted Gear Area III*—(1) *Duration*—(i) *Mobile Gear.* From June 16 through November 26 of each fishing year, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be, in Restricted Gear Area III (as defined in paragraph (d)(2) of this section) unless transiting only, provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster trap gear.* From January 1 through April 30 of each fishing year, no fishing vessel with lobster trap gear or person on a fishing vessel with lobster trap gear may fish, and no lobster trap gear may be deployed or remain, in Restricted Gear Area III as defined in paragraph (d)(2) of this section.

(2) *Definition of Restricted Gear Area III.* Restricted Gear Area III is defined by straight lines connecting the following points in the order stated:

### INSHORE BOUNDARY

Point to	Latitude	Longitude
49 .....	40°02.75' N.	70°16.1' W.
182 .....	40°05.6' N.	70°17.7' W.
183 .....	40°06.5' N.	70°40.05' W.
184 .....	40°11.05' N.	70°45.8' W.
185 .....	40°12.75' N.	70°55.05' W.
186 .....	40°10.7' N.	71°10.25' W.
187 .....	39°57.9' N.	71°28.7' W.
188 .....	39°55.6' N.	71°41.2' W.
189 .....	39°55.85' N.	71°45.0' W.
190 .....	39°53.75' N.	71°52.25' W.
191 .....	39°47.2' N.	72°01.6' W.
192 .....	39°33.65' N.	72°15.0' W.
to 70 .....	39°29.75' N.	72°09.8' W.

### OFFSHORE BOUNDARY

Point to	Latitude	Longitude
182 .....	40°05.6' N.	70°17.7' W.

## OFFSHORE BOUNDARY—Continued

Point to	Latitude	Longitude
49 .....	40°02.75' N.	70°16.1' W.
50 .....	40°00.7' N.	70°18.6' W.
51 .....	39°59.8' N.	70°21.75' W.
52 .....	39°59.75' N.	70°25.5' W.
53 .....	40°03.85' N.	70°28.75' W.
54 .....	40°00.55' N.	70°32.1' W.
55 .....	39°59.15' N.	70°34.45' W.
56 .....	39°58.9' N.	70°38.6' W.
57 .....	40°00.1' N.	70°45.1' W.
58 .....	40°00.5' N.	70°57.6' W.
59 .....	40°02.0' N.	71°01.3' W.
60 .....	39°59.3' N.	71°18.4' W.
61 .....	40°00.7' N.	71°19.8' W.
62 .....	39°57.5' N.	71°20.6' W.
63 .....	39°53.1' N.	71°36.1' W.
64 .....	39°52.6' N.	71°40.35' W.
65 .....	39°53.1' N.	71°42.7' W.
66 .....	39°46.95' N.	71°49.0' W.
67 .....	39°41.15' N.	71°57.1' W.
68 .....	39°35.45' N.	72°02.0' W.
69 .....	39°32.65' N.	72°06.1' W.
70 .....	39°29.75' N.	72°09.8' W.
to 192 .....	39°33.65' N.	72°15.0' W.

(e) *Restricted Gear Area IV*—(1) *Duration for Mobile Gear*. From June 16 through September 30 of each fishing year, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be, in Restricted Gear Area IV (as defined in paragraph (e)(2) of this section) unless transiting only, provided that all mobile gear is on board the vessel while inside the area.

(2) *Definition of Restricted Gear Area IV*. Restricted Gear Area IV is defined by straight lines connecting the following points in the order stated:

## INSHORE BOUNDARY

Point	Latitude	Longitude
193 .....	40°13.60' N.	68°40.60' W.
194 .....	40°11.60' N.	68°53.00' W.
195 .....	40°14.00' N.	69°04.70' W.
196 .....	40°14.30' N.	69°05.80' W.
197 .....	40°05.50' N.	69°09.00' W.
198 .....	39°57.30' N.	69°25.10' W.
199 .....	40°00.40' N.	69°35.20' W.
200 .....	40°01.70' N.	69°35.40' W.
201 .....	40°01.70' N.	69°37.40' W.
202 .....	40°00.50' N.	69°38.80' W.
203 .....	40°01.30' N.	69°45.00' W.
204 .....	40°02.10' N.	70°45.00' W.
205 .....	40°07.60' N.	70°04.50' W.
206 .....	40°07.80' N.	70°09.20' W.
to 119 .....	40°02.75' N.	70°16.1' W.

## OFFSHORE BOUNDARY

Point to	Latitude	Longitude
193 .....	40°13.60' N.	68°40.60' W.
69 .....	40°07.90' N.	68°36.00' W.
70 .....	40°07.20' N.	68°38.40' W.

## OFFSHORE BOUNDARY—Continued

Point to	Latitude	Longitude
71 .....	40°06.90' N.	68°46.50' W.
72 .....	40°08.70' N.	68°49.60' W.
73 .....	40°08.10' N.	68°51.00' W.
74 .....	40°05.70' N.	68°52.40' W.
75 .....	40°03.60' N.	68°57.20' W.
76 .....	40°03.65' N.	69°00.00' W.
77 .....	40°04.35' N.	69°00.50' W.
78 .....	40°05.20' N.	69°00.50' W.
79 .....	40°05.30' N.	69°01.10' W.
80 .....	40°08.90' N.	69°01.75' W.
81 .....	40°11.00' N.	69°03.80' W.
82 .....	40°11.60' N.	69°05.40' W.
83 .....	40°10.25' N.	69°04.40' W.
84 .....	40°09.75' N.	69°04.15' W.
85 .....	40°08.45' N.	69°03.60' W.
86 .....	40°05.65' N.	69°03.55' W.
87 .....	40°04.10' N.	69°03.90' W.
88 .....	40°02.65' N.	69°05.60' W.
89 .....	40°02.00' N.	69°08.35' W.
90 .....	40°02.65' N.	69°11.15' W.
91 .....	40°00.05' N.	69°14.60' W.
92 .....	39°57.80' N.	69°20.35' W.
93 .....	39°56.75' N.	69°24.40' W.
94 .....	39°56.50' N.	69°26.35' W.
95 .....	39°56.80' N.	69°34.10' W.
96 .....	39°57.85' N.	69°35.05' W.
97 .....	40°00.65' N.	69°36.50' W.
98 .....	40°00.90' N.	69°37.30' W.
99 .....	39°59.15' N.	69°37.30' W.
100 .....	39°58.80' N.	69°38.45' W.
102 .....	39°56.20' N.	69°40.20' W.
103 .....	39°55.75' N.	69°41.40' W.
104 .....	39°56.70' N.	69°53.60' W.
105 .....	39°57.55' N.	69°54.05' W.
106 .....	39°57.40' N.	69°55.90' W.
107 .....	39°56.90' N.	69°57.45' W.
108 .....	39°58.25' N.	70°03.00' W.
110 .....	39°59.20' N.	70°04.90' W.
111 .....	40°00.70' N.	70°08.70' W.
112 .....	40°03.75' N.	70°10.15' W.
115 .....	40°05.20' N.	70°10.90' W.
116 .....	40°02.45' N.	70°14.1' W.
119 .....	40°02.75' N.	70°16.1' W.
to 206 .....	40°07.80' N.	70°09.20' W.

(f) *Carl N. Shuster Jr. Horseshoe Crab Reserve*. (1) No vessel or person may fish for horseshoe crabs in the area known as the Carl N. Shuster Jr. Horseshoe Crab Reserve bounded as follows:

(i) On the north by a straight line connecting points 39°14.6'N. lat., 74°30.9'W. long. (3 nm off of Peck Beach, NJ) and 39°14.6'N lat., 74°22.5'W. long.

(ii) On the east by a straight line connecting points 39°14.6'N. lat., 74°22.5'W. long. and 38°22.0'N. lat., 74°22.5'W. long.

(iii) On the south by a straight line connecting points 38°22.0'N. lat., 74°22.5'W. long. and 38°22.0'N. lat., 75°00.4'W. long. (3 nm off of Ocean City, MD).

(iv) On the west by the outermost boundary of state waters.

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(2) No vessel or person on a vessel with a trawl or dredge may possess horseshoe crabs in the area described in paragraph (f)(1) of this section.

(3) Horseshoe crabs caught in the area described in paragraph (f)(1) of this section must be returned immediately to the water without further harm.

[64 FR 68248, Dec. 6, 1999, as amended at 66 FR 8911, Feb. 5, 2001]

### § 697.24 Exempted waters for Maine State American lobster permits.

A person or vessel holding a valid permit or license issued by the State of Maine that lawfully permits that person to engage in commercial fishing for American lobster may, with the approval of the State of Maine, engage in commercial fishing for American lobsters in the following areas designated as EEZ, if such fishing is conducted in such waters in accordance with all other applicable Federal and State regulations:

(a) West of Monhegan Island in the area located north of the line 43.5 deg.42'08" N. lat., 69.5 deg.34'18" W. long., and 43.5 deg.42'15" N. lat., 69.5 deg.19'18" W. long.

(b) East of Monhegan Island in the area located west of the line 43.5 deg.44'00" N. lat., 69.5 deg.15'05" W. long., and 43.5 deg.48'10" N. lat., 69.5 deg.08'01" W. long.

(c) South of Vinalhaven in the area located west of the line 43.5 deg.52'1" N. lat., 68.5 deg.39'54" W. long., and 43.5 deg.48'10" N. lat., 67.5 deg.40'33" W. long.

(d) South of Boris Bubert Island in the area located north of the line 44.5 deg.19'15" N. lat., 67.5 deg.49'30" W. long. and 44.5 deg.23'45" N. lat., 67.5 deg.40'33" W. long.

### § 697.25 Adjustment to management measures.

(a) On or before February 15, 2001, and annually on or before February 15, thereafter, NMFS may, after consultation with the Commission, publish a proposed rule to implement additional or different management measures for Federal waters in any of the management areas specified in § 697.18 if it is determined such measures are necessary to achieve or be compatible with ISFMP objectives, or the ISFMP, to be

consistent with the national standards of the Magnuson-Stevens Act, or to meet overfishing and rebuilding requirements of the Magnuson-Stevens Act. These management measures may include, but are not limited to, continued reductions of fishing effort or numbers of traps, increases in minimum or decreases in maximum size, increases in the escape vent size, decreases in the lobster trap size, closed areas, closed seasons, landing limits, trip limits and other management area-specific measures as may be identified and recommended by the Commission prior to December 1 of the previous year. After considering public comment, NMFS may publish a final rule to implement any such measures.

(b) *Conservation equivalency measures.* The Regional Administrator may consider future recommendations for modifications to Federal regulations based on conservation equivalency for American lobster that are formally submitted to him/her in writing by the ASMFC. These recommendations must, for consideration by the Regional Administrator, contain the following supporting information:

(1) A description of how Federal regulations should be modified;

(2) An explanation of how the recommended measure(s) would achieve a level of conservation benefits for the resource equivalent to the applicable Federal regulations;

(3) An explanation of how Federal implementation of the conservation equivalent measure(s) would achieve ISFMP objectives, be consistent with the Magnuson-Stevens Act national standards, and be compatible with the effective implementation of the ISFMP; and

(4) A detailed analysis of the biological, economic, and social impacts of the recommended conservation equivalent measure(s). After considering the recommendation and the necessary supporting information, NMFS may issue a proposed rule to implement the conservation equivalent measures. After considering public comment, NMFS may issue a final rule to implement such measures.